

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JOHN COMSTOCK,)	
)	No. CV-09-269-JPH
Plaintiff,)	
)	ORDER GRANTING STIPULATED
v.)	MOTION TO REMAND
)	(Ct. Rec. 17)
MICHAEL J. ASTRUE,)	
Commissioner of Social)	
Security,)	
)	
Defendant.)	

The parties have filed a stipulated motion for remand of this Title XVI case to the Commissioner for further administrative proceedings. (**Ct. Rec. 17**). The parties have filed a consent to proceed before a magistrate judge (Ct. Rec. 7).

After considering the stipulated motion, **IT IS ORDERED** that the above-captioned case is **reversed and remanded** pursuant to sentence four of 42 U.S.C. § 405(g). Upon remand, the Administrative Law Judge will evaluate plaintiff's phonological disorder and its effects on plaintiff's ability to perform work-related activities; evaluate the opinions of Pamela Ridgeway, Ph.D., in her report dated August 14, 2008; obtain testimony from a vocational expert; and allow plaintiff to testify and submit

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1 additional evidence.

2 Because this remand is pursuant to sentence four of 42 U.S.C.
3 § 405(g) with a remand of the cause to the Commissioner for
4 further proceedings (*See, Melkonyan v. Sullivan*, 501 U.S. 89
5 (1991)), plaintiff is entitled to reasonable attorney's fees and
6 costs pursuant to 28 U.S.C § 2412(a),(d), upon proper request to
7 this Court.

8 Accordingly, this court **reverses** the Commissioner's decision.

9 **IT IS FURTHER ORDERED:**

10 1. The parties' stipulated motion for an order of remand
11 (**Ct. Rec. 17**) is **GRANTED**.

12 2. Judgment shall be entered for the **PLAINTIFF**.

13 3. An application for attorney fees and costs may be
14 filed by separate motion.

15 4. The District Court Executive is directed to enter
16 this Order, forward copies to counsel, and **close** this file.

17 **IT IS SO ORDERED.**

18 **DATED** this 21st day of July, 2010.

19 s/James P. Hutton

20 JAMES P. HUTTON

21 UNITED STATES MAGISTRATE JUDGE